

# United States Senate

WASHINGTON, DC 20510

November 27, 2018

The Honorable Joseph Simons  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue Northwest  
Washington, DC 20580

Dear Chairman Simons:

We write today to express concern that President Trump's selection for Acting Attorney General, Mr. Matthew Whitaker, appears to have served as an advisory board member for World Patent Marketing, a company accused of perpetrating a serious consumer scam and which shut down shortly after the Federal Trade Commission (FTC) took enforcement action against it.

Specifically, Mr. Matthew Whitaker reportedly threatened a World Patent Marketing customer who had raised consumer protection concerns about the company by invoking his previous position as "United States Attorney for the Southern District of Iowa" and threatened significant legal actions against this individual for making these consumer protection complaints public.<sup>1</sup> According to the *Washington Post*, the FTC issued a subpoena to Mr. Whitaker seeking information in his possession about this company and that he failed to respond by reportedly claiming he was busy moving to Washington, D.C. to take a senior position at the Department of Justice.<sup>2</sup>

As you are aware, the Senate did not have the opportunity to provide advice and consent on Mr. Whitaker's appointment as Acting Attorney General. Several House committees requested that the FTC by November 27, 2018 provide information regarding Mr. Whitaker's role in the World Patent Marketing scheme and provide briefings on the FTC's investigation and settlement with the company.<sup>3</sup>

We strongly support these requests for information to the FTC and respectfully request that you also provide the Senate Commerce Committee with a production of any material provided to the House.

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<sup>1</sup> Brittany Shamas, "A Miami Beach Scam Took Millions of Dollars from Thousands of Inventors, Feds Say," *Miami New Times*, August 22, 2017 accessed here [https://www.miaminewtimes.com/news/world-patent-marketing-scam-took-millions-of-dollars-from-inventors-9605870?mod=article\\_inline](https://www.miaminewtimes.com/news/world-patent-marketing-scam-took-millions-of-dollars-from-inventors-9605870?mod=article_inline) (accessed November 26, 2018)

<sup>2</sup> Carol Leonnig and Rosalind Helderman, "Federal investigators scrutinized Whitaker's role in patent company accused of fraud, according to people with knowledge of case," *Washington Post*, November 9, 2018, [https://www.washingtonpost.com/politics/federal-investigators-scrutinized-whitakers-role-in-patent-company-accused-of-fraud-according-to-people-with-knowledge-of-case/2018/11/09/e826a404-e456-11e8-ab2c-b31dcd53ca6b\\_story.html?utm\\_term=.6a3e4fb71fc1](https://www.washingtonpost.com/politics/federal-investigators-scrutinized-whitakers-role-in-patent-company-accused-of-fraud-according-to-people-with-knowledge-of-case/2018/11/09/e826a404-e456-11e8-ab2c-b31dcd53ca6b_story.html?utm_term=.6a3e4fb71fc1) (accessed November 26, 2018)

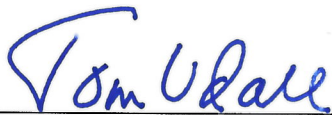
<sup>3</sup> Press Release, Democratic members of the House Committee on Oversight and Government Reform, Judiciary, Energy and Commerce, and House Judiciary Committees <https://democrats-oversight.house.gov/news/press-releases/top-dems-launch-investigation-of-acting-attorney-general-s-involvement-in> (accessed November 26, 2018)

We also ask that you schedule a briefing by the Commission for any appropriate Senate staff on this matter. Additionally, we seek answers to the following questions by December 13, 2018:

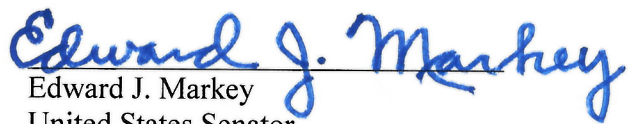
- What information did the FTC uncover about Mr. Whitaker's involvement with World Patent Marketing?
- Did the FTC subpoena Mr. Whitaker? If so, provide the date it was issued, a description of what information was sought, and whether Mr. Whitaker responded to the subpoena. If Mr. Whitaker did respond to the subpoena, provide a description of the response. If Mr. Whitaker did not respond to the subpoena, provide any steps the FTC took to enforce the subpoena.
- At what point did the FTC become aware that Mr. Whitaker was likely to become the Chief of Staff to Attorney General Jeff Sessions?
- Did the Department of Justice (DOJ) or the White House contact the FTC about the World Patent Marketing case or Mr. Whitaker's involvement in it? If so, what discussions, if any, about this case occurred? Provide the date of contact, discussion dates and names of those involved.
- Will you commit to notifying my staff and the staff of the Senate Commerce Committee if the DOJ attempts to interfere with the enforcement of the stipulated order against World Patent Marketing?

We respect and recognize the good work of the FTC and believe that the Commission's role in protecting consumers and small businesses is incredibly important—particularly in a time when fraudsters are taking their efforts online. Thank you for your attention to this important matter.

Sincerely,




Tom Udall  
United States Senator



Edward J. Markey  
United States Senator



Richard Blumenthal  
United States Senator



Amy Klobuchar  
United States Senator

cc: Commissioners Phillips, Chopra, Slaughter, and Wilson.